

Application No: 2005/593	Application Type: Full
Proposal: Erection of 5 Storey Building of 12 No. Apartments	Location: Land Adjacent The Kingfisher Centre Burnley Road Rawtenstall
Report of: Development Control Team Leader	Status: For Publication
Report to: Development Control Committee	Date: 9 th January 2007
Applicant: Kingfisher Business Centres Limited	Determination Expiry Date: 7 th December 2005
Agent: Corstorphine & White Hills	

REASON FOR REPORTING

Outside Officer Scheme of Delegation	Yes
Member Call-In	No
Name of Member:	
Reason for Call-In:	
More than 3 objections received	No

Other (please state) Major application.

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights: -

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

APPLICATION DETAILS

1.1 The Site and the Proposal

The application site lies to the west of Burnley Road, Rawtenstall. To the north of the site stands the Kingfisher Centre, to the west the land rises steeply to properties on Curtis Street and Whittle Street, to the south on the same level

stand shops and a public house which front Burnley Road whilst to the east the site is bounded by Burnley Road with the River Limy Water across Burnley Road with single storey commercial buildings beyond.

The application site lies within the Urban Boundary, the designated Town Centre boundary and Rawtenstall Town Centre Conservation Area. The site is a recognised Employment area in the Local Development Plan. Within the Rawtenstall Area Action Plan, different parts of the site fall within 3 designations, the Inner and Outer Cores of the Primary Shopping Area and an Employment Site (B1).

The application seeks consent for the erection of a 5 storey high block of apartments with garages on the ground level with 4 storeys of residential accommodation above. The block is proposed to be constructed in natural stone, reconstituted slate, glass and render with steel accessories such as balcony railings.

1.2 Relevant Planning History

2004/730 - Erection Of Apartment Block Comprising 12 Dwellings With Associated Access, Parking And Landscaping – Withdrawn.

1.3 Policy Context

Local Development Plan

DS1 – Urban Boundary
HP1 – Conservation Areas
DC1 – Development Criteria
J3 – Existing Employment Areas

Rawtenstall Town Centre Area Action Plan
The Council's Housing Position Statement

1.4 Other Material Planning Considerations

Regional Spatial Strategy for the North West
Joint Lancashire Structure Plan

2. INTERNAL CONSULTATIONS

Conservation Officer – the scheme has not assessed nor appraised the character of the site or the surrounding area, which is essential prior to the drafting of a proposal within a Conservation Area. As a result, the proposed development does not respond appropriately to its context or to the scale of the surrounding buildings and the site's main road frontage. The cumulative effect of the proposal and the Kingfisher Centre would result in a built mass which would dominate its surroundings to the detriment of the character and setting of the Rawtenstall Town Centre Conservation Area. There is no design statement or archaeological assessment of the site.

Drainage – highlight the presence of a culvert close to the position of the proposed building which should be taken into account in the construction process. A condition is recommended to be imposed requiring details to be submitted for approval.

2.1 EXTERNAL CONSULTATIONS

Lancashire County Council –

Planning – consider that the application represents an over-supply of housing under the JLSP. The County has been re-consulted in order to respond on whether planning contributions would be sought on this scheme. The response will be report via the Late Items Report and Officers reserve the right to add a further reason for refusal regarding the non-provision of any required contributions.

Highways – no objections to the proposal but request a condition to require highway works to close and make good a redundant access and a contribution towards public transport.

Archaeology – no comments to make.

3. REPRESENTATIONS

3.1 Press advertisement placed and site notices posted - no letters of objection.

4. REPORT

4.1 The main considerations of the application are the principle of the development in terms of loss of employment land, housing over-supply, land contamination and flood risk as well as the details of the scheme in terms of impact on the character and setting of the Conservation Area and the scheme's form and layout.

4.2 Policy J3 of the Local Development Plan states:

"In existing and proposed employment areas the needs of industry and commerce will usually be given priority over housing, specifically in the determination of planning applications."

The texts continues

"The Council's policy is that, in areas allocated for employment purposes, the requirements of the employment activity will normally predominate, for example, in the determination of planning applications."

"Many older industrial buildings within designated employment areas represent a valuable local economic asset, but are often affected by problems of poor access, lack of proper car parking and servicing facilities, obsolescent infrastructure and a generally poor environment...[The Council] will bear in mind the need to strike a sensible balance as far as possible between the

implementation of appropriate improvements to older buildings and their surroundings, and the importance of retaining the best of the Borough's industrial heritage and character for its local historic and interpretive potential. These goals should not necessarily be viewed as mutually exclusive".

The essence of this policy is taken to mean that the Council supports the retention of employment land protected by Policy J3. Therefore the loss of allocated sites is to be resisted. Additional weight should be given to their protection as the Borough whilst having an arguable surplus of employment land, little or none of these sites could be immediately occupied; rather a lot of investment would be required to bring the buildings and sites up to a standard where they could be occupied by modern businesses. Thus, contrary to the County's assertion, there is actually a shortage of readily available employment land in the Borough.

The loss of employment land is usually justified by evidence of marketing the site for an employment use in appropriate estate agency publication. Additionally, evidence is submitted as to why the site is no longer suited to employment use which should be set within the context of the Borough's Employment Land Study. Whilst the site is partially vacant and partly used for car parking and the current Employment Land Study is not currently available, the applicant needs to make a reasoned justification for the loss of the employment use and why no replacement employment space can be provided within a mixed-use scheme. As such the applicant has submitted insufficient information to assess the principle of the development. In this instance, more weight should be placed on the adopted Local Development Plan, particularly as this aspect has not expired and should therefore take precedence over the Local Development Framework.

- 4.3 The additional number of dwellings that would result from the development has implications for Housing over-supply within the Borough. Despite the sustainable location of the site, that the land is previously developed and that the site lies within the Action Plan Area, the supporting statement makes no reference to the exceptions set out in Policy 12 of the Joint Structure Plan or to the Council's Housing Position Statement, nor does it make any justification along the lines of the exceptions to Policy 12. Rather, reference is made to general national and regional guidance on the re-use of brownfield land, that the scheme would bring a better balance of residential development in the area, that it would be an improvement to the northern gateway into the town and that a land purchase agreement with the Council has constrained the development of the site. In response, whenever and whatever the site is developed for, it will always constitute the re-use of brownfield land, there is no need to engender a balance of residential use in this location since to the west of the site the predominant use is residential and it is not a planning policy requirement. The site is set back from the road and is not so bad a state as to require an unsuitable scheme to be approved in order to improve its appearance. Thus, none of the arguments put by the applicant address Policy 12 nor have sufficient weight in themselves to outweigh the need to constrain housing supply at this time. As such, it is considered that the proposed development would contribute further to the Borough's position of Housing over-supply without an appropriate case being made to justify a grant of permission.

Policy 12 of the Joint Lancashire Structure Plan whilst limiting Housing land supply, does make an exception for residential developments which would make an “essential contribution to the supply of affordable or special needs housing or form a key element within a mixed-use regeneration project. Any such project should be compatible with and help achieve the regeneration objectives of the Local Authority...[another circumstance] where it may be appropriate to approve residential development in a situation of Housing oversupply [could be where there are] conservation benefits of maintaining an existing building worthy of retention”. The proposed development does not form a key part of a mixed-used development scheme nor are there conservation benefits relating to a building worthy of retention.

The Council’s Housing Position Statement accepts the position of Housing over-supply but again makes certain exceptions which are limited to residential developments:

- a) In any location where the proposal is a like for like replacement of an existing residential dwelling resulting in no net gain in dwelling numbers and which conforms to relevant policies of the development plan and other material considerations; or*
- b) The proposal will positively contribute to the urban regeneration of the Bacup, Stacksteads and Britannia Housing Market Renewal Initiative areas or the Rawtenstall Town Centre Masterplan (Area Action Plan); and*
- c) The proposal will not harm the character of the adjoining areas such as conservation areas and the setting of listed buildings; and*
- d) The proposal will assist the regeneration of the site; and*
- e) The proposal meets an identified local housing need."*

The proposed development would not represent a like for like replacement as there were no dwellings on the site previously. Whilst the proposal lies within the Rawtenstall Town Centre Area Action Plan boundaries, it is considered that the regeneration benefits of the scheme are marginal and in terms of design, with the lack of a Design and Access statement and the Conservation Officer’s comments, that the scheme would be of sufficient merit to contribute positively to regeneration or that it would not harm the character of the Conservation Area. The applicant has not justified how the proposal meets identified housing need.

The applicant has not submitted a contaminated land report, therefore there is insufficient information to assess whether the site is capable of being redeveloped for sensitive end uses such as residential development. Although the site lies adjacent to the Environment Agency’s designated Flood Risk Zone 3, a Flood Risk Assessment needs to be submitted by the applicant to address the issue of a culvert running through the site. No such assessment has been submitted by the applicant and as such again insufficient information has been provided.

The applicant has not submitted a Design Statement with the scheme explaining how the final appearance of the scheme was reached. Whilst the plans demonstrate the final appearance of the building, the reasons why a more optimal design has not been chosen, have not been explained. Other

issues such as the treatment of the stone wall adjacent to the footpath and relationship of the proposal to surrounding buildings and context has not been explained or justified. As such, insufficient information has been submitted to assess the scheme properly. The comments of the Conservation Officer confirm this and also point to the lack of an archaeological report which would be required on the site. The Conservation Officer also considers that the proposed scheme would also impact detrimentally both individually and cumulatively on the character of the Rawtenstall Conservation Town centre Conservation Area and the visual amenity of the street-scene.

From the submitted plans there is insufficient information to assess the impact of the scheme on residential amenity and the separation distances between the proposed block and the existing dwellings.

In terms of the layout of the scheme there would be adequate parking, there being 17 spaces for 12 flats on a site close to the Town Centre with good bus route connections and with cycle parking proposed. Nevertheless, the turning space provided is sub-standard and the plans do not enable the size of the garages to be measured properly. Whilst bin stores are provided they are in a location which would hamper their collection by refuse vehicles. There are no details regarding landscaping nor protection methods for existing trees on the site. As such, the layout of the scheme is considered unacceptable.

5. **CONCLUSION**

- 5.1 The application contains inadequate and insufficient information neither to establish the principle of the development nor to render the detail of the scheme acceptable.

6. **RECOMMENDATION**

- 6.1 That the application be refused on the grounds of unjustified loss of employment land, contribution towards housing over-supply; insufficient information in relation to contaminated land, flood risk and design to enable the scheme to be properly assessed; unacceptable impact on residential amenity and unacceptable layout.

REASONS FOR REFUSAL

1. The application would result in the loss of employment land without a reasoned case or suitable evidence to justify its loss. As such, the proposed development would conflict Policy J3 – Existing Employment Sites of the Rossendale Local Plan.
2. The proposed development would contribute towards the position of Housing-oversupply in the Borough without providing a reasoned justification which meets the relevant exceptions. As such the proposed development conflicts with Policy 12 of the Joint Lancashire Structure Plan and the Council's Housing Position Statement.
3. The application contains inadequate and insufficient information in relation to land contamination, flood risk, design, form and layout for the application to be properly assessed and therefore conflicts Policy 21 – Lancashire's Natural and

Man-made Heritage and Policy 24 – Flood Risk of the Joint Lancashire Structure Plan and Policies HP1 – Conservation Areas, DC1 – Development Criteria, DC2 – Landscaping and T4 – Car Parking of the Rossendale District Local Plan as well as PPG15 – Planning and the Historic Environment, PPS23 – Planning and Pollution Control and PPS 25 – Development and Flood Risk.

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